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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARC DIMAGIBA,

Defendant.

CASE NO. 2:18-cr-00105-JCM-NJK-1

**STIPULATION AND ORDER TO CONTINUE REVOCATION OF SUPERVISED
RELEASE HEARING (THIRD REQUEST)**

IT IS HEREBY STIPULATED by and between Marc DiMagiba, Defendant, by and through his counsel, Paola M. Armeni, Esq., of the law firm of Clark Hill PLC and the Plaintiff, United States of America, by and through Nicholas Trutanich, United States Attorney, and, Allison Reese, Assistant United States Attorney, that the Revocation of Supervised Release hearing in the above-captioned matter, currently scheduled for December 18, 2020, at the hour of 10:30 a.m. be vacated and set to a date and time convenient to the Court but not earlier than thirty (30) days.

This Stipulation is entered into for the following reasons:

1. The Defendant, Marc DiMagiba states that he has COVID-19 and has developed symptoms of the virus.
2. Mr. DiMagiba has appeared in this case, is not custody, and agrees to this short continuance.
3. Based on Mr. DiMagiba's representation to his counsel that he has COVID-19, the government agrees with this short continuance.

4. The additional time requested herein is not sought for purposes of delay and the denial of this request for a continuance could result in a miscarriage of justice.
5. The COVID Protocols permits this Court to continue a Revocation of Supervised Release hearing for good cause. Good cause exists in this case.
6. For all the above-stated reasons, the ends of justice would be best served by a short continuance of the Revocation of Supervised Release hearing.
7. This is the third request for a continuance of the Revocation of Supervised Release hearing.

NICHOLAS TRUTANICH
UNITED STATES ATTORNEY
DISTRICT OF NEVADA

CLARK HILL PLC

DATED this 18th day of December, 2020.

DATED this 18th day of December, 2020.

/s/ Allison Reese
ALLISON REESE
Assistant United States Attorney
Attorneys for Plaintiff,
UNITED STATES OF AMERICA

/s/ Paola M. Armeni
PAOLA M. ARMENI
Attorney for Defendant,
MARC DIMAGIBA

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

CASE NO. 2:18-cr-00105-JCM-PAL

4 Plaintiff,

5 vs.

6 MARC DIMAGIBA,

7 Defendant.

8 **FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

9
10 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
11 Court hereby finds that:

12 **CONCLUSIONS OF LAW**

13 Based on the fact that counsel has agreed to a continuance, the Court hereby concludes that:

- 14 1. The Defendant, Marc DiMagiba states that he has COVID-19 and has developed symptoms
15 of the virus.
- 16 2. Mr. DiMagiba has appeared in this case, is not custody, and agrees to this short
17 continuance.
- 18 3. Based on Mr. DiMagiba's representation to his counsel that he has COVID-19, the
19 government agrees with this short continuance.
- 20 4. The additional time requested herein is not sought for purposes of delay and the denial of
21 this request for a continuance could result in a miscarriage of justice.
- 22 5. The COVID Protocols permits this Court to continue a Revocation of Supervised Release
23 hearing for good cause. Good cause exists in this case.
- 24 6. For all the above-stated reasons, the ends of justice would be best served by a short
25 continuance of the Revocation of Supervised Release hearing.

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